



Serial No. 29
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 46 of 2025

Date of Decision: 03.07.2025

Smti. Martinewbell Suchiang
D/o (L) Ivymargret Suchiang

:::Petitioner

-Vs-

1.The State of Meghalaya
Represented by the Chief Secretary

2.The Education Department
Government of Meghalaya
Represented by the Special Officer

3.The Treasury Officer
Treasury Officer
West Jaintia Hills District

4.Directorate of School Education and Literacy
Represented by its Director

5.The Sub-Divisional School Education Officer
West Jaintia Hills District

6.The Headmaster
Shangpung Neinshnong Lower Primary School

7.The School Managing Committee
Shangpung Neinshnong Lower Primary School

:::Respondents



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S.R. Lyngdoh, Adv.

For the Respondent(s) : Ms. I. Lyngwa, GA
Ms. R. Colney, GA.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The petitioner by way of the instant writ petition has come before this Court with a prayer to correct the entry of the year of birth of the petitioner in accordance with the School Leaving Certificate and for other appropriate orders and directions to issue to the respondents in connection thereto.

2. The brief facts of the case is that the writ petitioner was appointed as a Lower Primary School Teacher, vide appointment letter dated 28.09.1987 at Shangpung Pohshnong Lower Primary School and joined service therein on 29.09.1987, and thereafter was transferred to Shangpung Neinshnong Lower Primary School in the same post till her superannuation.



3. The grievance of the writ petitioner is that her actual date of birth is 26.08.1967, whereas, the same has been recorded by the respondents as 26.08.1966. She submits that due to this error that has occurred, the petitioner has been deprived of a year of service, along with the attendant benefits and salary, which would have accrued.

4. Mr. S.R. Lyngdoh, learned counsel for the petitioner has submitted that the petitioner's case is founded on the fact that the School Leaving Certificate dated 23.04.1987, which had been submitted to the respondents at the time of joining has been tampered with, to show the date of birth as 26.08.1966. Learned counsel submits that further though efforts have been made by the writ petitioner to get the same corrected, and a duplicate Matriculation Admit Card also obtained to substantiate this fact, she has since superannuated, and the process is nearly complete for payment of her pension. He submits that the writ petitioner was never afforded adequate opportunity to present her case, nor was she informed about the change in the date of birth, nor was any action taken on the allegations of tampering. To buttress his arguments with regard to the fact that a School Leaving Certificate is the correct indicator of the date of birth, the learned counsel has placed reliance in the judgment rendered in the case of ***Kamta Pandey vs. M/s. B.C.C.L. & Ors., 2008 (2) AIR Jhar R 94 (Jharkhand High Court)***, and with regard to correction, has placed reliance on another



judgment i.e. in the case of *South Eastern Coalfields Limited through Chairman-cum-Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Bilaspur, Chhattisgarh vs. Ashok Kumar Thakur (Chhattisgarh High Court)*, decided on **06.03.2020** passed in *Writ Appeal No. 6 of 2019*.

5. Ms. I. Lyngwa, learned GA appearing on behalf of the State respondents in reply to the submissions made by the counsel for the petitioner has submitted that the writ petition on the face of it, does not deserve to be entertained, in view of the laches and lapses on the part of the petitioner in seeking remedy. Learned GA has drawn the attention of this Court to Para – 6 of the writ petition, wherein it is stated that the petitioner had come to the knowledge of the purported incorrect date in November 2019, itself and has only approached this Court in the year of 2025 for correction. She submits on this ground alone, the writ petition deserves dismissal.

6. On another limb of argument, the learned GA has referred to the note, which is appended to SR8 of the FR & SR Rules of Meghalaya, which provides that no alteration in the date of birth of a Government Servant should be allowed except in very rare cases, where manifest mistakes has been made, and this mistake should have been corrected at the earliest in the course of periodical reattestation of the entries in the first page of the



service book. She submits that in the instant case, the entry in the service book of the writ petitioner clearly shows the recorded date of birth is 26.08.1966, and as such, at this stage there is no scope for correction of the date of birth, even if the documents as produced are stated to be genuine.

7. In support of her arguments, the learned GA has placed reliance firstly in the case of *Bharat Coking Coal Limited vs. Shyam Kishore Singh, (2020) 3 SCC 411*, wherein it has been held that, the materials which the petitioner seeks to rely upon should have been produced at the time of joining employment. She further submits that it has also been held in the judgment that a request for change of date of birth at the fag end is not sustainable, and even if good evidence is available to establish that date of birth is erroneous, the correction cannot be claimed as a matter of right. She concludes her submissions by submitting that the writ petition being hit by delay and laches, and in the absence of any other relevant materials, the same may be dismissed.

8. I have heard the learned counsel for the parties, and have considered the submissions and the materials as placed. It is first noticed that the petitioner throughout her service, though undoubtedly having access to her service book wherein the date of birth had been entered, has not raised any question or objections till the time had come for her to superannuate. This fact is evidenced by the statements made in Para – 6 of the writ petition



itself, wherein it is stated that the petitioner some time in the month of November 2019, before the office of the respondent No. 5, had inspected her service record and came to the knowledge of the date of birth that the writ petitioner had been tampered with, as alleged. If the same is correct, the petitioner if genuinely aggrieved should have taken immediate steps to get the same corrected and/or to provide other supporting materials before the respondents, to enable them to conduct an inquiry to verify the veracity of the documents, that has been produced. In the instant case however, the writ petitioner has slept over her rights, if any, by agitating her case only when she had superannuated that too 2(two) months after her date of retirement.

9. In these circumstances, without dwelling upon other facts, as it is settled law that correction of the entry of the date of birth cannot be permitted at the fag end of service, even if there are materials that can be taken into account for determination of the same, this writ petition deserves no consideration. Furthermore, as provided in the note appended to SR8, the petitioner should have represented well within time for correction. It is further also noticed that as submitted by the learned GA, no materials have been produced by the learned GA to show that she ever represented or that the School Leaving Certificate, which reliance has been placed upon was ever produced or submitted at the time of joining service.



10. The judgments relied upon by the petitioner being situated in different circumstances are of no assistance to the case of the petitioner and are not discussed.

11. In these circumstances, the writ petition deserves no further consideration and the same is dismissed.

Judge

Meghalaya
03.07.2025
"D.Thabab-PS"